

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

MFA.No. 238 of 2003(F)

OPMV.21/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, NEYYATTINKARA

APPELLANT: RESPONDENT

1. THE CHIEF SECRETARY, STATE OF KERALA,
THIRUVANANTHAPURAM.
2. THE DRIVER, FINGER PRINT,
MOBILE UNIT, KERALA POLICE, TRIVANDRUM.

BY GOVERNMENT PLEADER

RESPONDENTS: CLAIMANT

LATHEEFA BEEVI, D/O. AISHA BEEVI,
KUNNUMPURATHU VEEDU, UNDAPPARA, KOZHAKKADU,
PERUMKULAM.

BY ADV. SRI.G.SASIDHARAN CHEMPAZHANTHIYIL
SRI.P.S.ANIL

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION
ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.PADMANABHAN NAIR, J.

M.F.A.No. 238 of 2003

Dated this the 20th June, 2007.

J U D G M E N T

The respondents 1 and 2, in O.P.(M.V.) No.21/1995 has filed this appeal challenging the award passed by the Motor Accidents Claims Tribunal, Neyyattinkara, by which the appellants were directed to pay a compensation of Rs.11,500/= to the respondent. The respondent filed the claim petition alleging that on 21.3.1994, while she was walking through the side of Kattakkada-Poovachal road, a jeep bearing Registration No.KL-01-A 1329, owned by the first appellant and driven by the second appellant, came and hit against the person of the respondent. She sustained injuries. It was alleged that the accident occurred due to the negligence of the second appellant, driver of the jeep. The Tribunal, after trial, found that the accident occurred due to the negligence of the second appellant, driver, and directed the first appellant to pay a compensation of Rs.11,500/= with 12% interest. Challenging that award, this appeal is filed.

2. The materials on record show that the accident occurred due to the negligence of the second appellant, driver. The evidence of PW.1 regarding that aspect remain unchallenged. She was not cross examined. The Tribunal awarded a compensation of Rs.11,500/=.

3. Considering the nature of injury sustained, and also the duration of treatment, pain and sufferings etc., the compensation awarded cannot be said to be exorbitant. There is no ground to interfere with the award passed by the Tribunal. So, the appeal is only to be dismissed.

In the result, the appeal is dismissed.

**K.PADMANABHAN NAIR,
JUDGE**

nj.

K.PADMANABHAN NAIR, J.

M.F.A.No. 238 of 2003

J U D G M E N T

Dated: 20th June, 2007.
